

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**4:20-CR-00092-01-JM**

**MICHAEL LEE JONES**

**ORDER**

Defendant's Motion to Reduce Sentence (Doc. No. 61) is DENIED.

Guidelines Amendment 821 reduces Defendant's criminal history score from 38 to 37.

However, his criminal history category remains VI and his guideline range is unchanged.<sup>1</sup>

Additionally, Defendant's plea agreement "waive[d] the right to have the sentence modified pursuant to Title 18, United States Code, Section 3582(c)(2) . . . ."<sup>2</sup> Because Defendant knowingly and voluntarily entered into his plea agreement, including this waiver, he is not entitled to relief.<sup>3</sup>

IT IS SO ORDERED this 30<sup>th</sup> day of January, 2024.

  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> See U.S.S.G 1.10(a)(2) ("Exclusions.—A reduction in the defendant's term of imprisonment is not consistent with this policy statement and therefore is not authorized under 18 U.S.C. § 3582(c)(2) if— . . . an amendment listed in subsection (d) does not have the effect of lowering the defendant's applicable guideline range.").

<sup>2</sup> Doc. No. 54.

<sup>3</sup> *United States v. Cowan*, 781 F. App'x 571 (8th Cir. 2019) (affirming dismissal of a § 3582 (c)(2) motion when the record establish that the defendant knowingly and voluntarily entered the plea agreement).